



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/322,585 05/28/99 KELMAN

J F-2590-1/TAC

ERIC T JONES
REISING ETHINGTON BARNES
KISSELLE LEARMAN & MCCULLOCH PC
P O BOX 4390
TROY MI 48099-4390

IM52/0504

EXAMINER

LEE, E

ART UNIT	PAPER NUMBER
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1732

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DATE MAILED:

05/04/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

BEST AVAILABLE COPY

Advisory Action

Application No.

09/322,585

Examiner

EDMUND H LEE

Applicant(s)

KELMAN ET AL.

Art Unit

1732

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 March 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search. (see NOTE below);
- (b) ☐ they raise the issue of new matter. (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

4. ☐ Applicant's reply has overcome the following rejection(s): _____.
5. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
6. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. ☐ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
- Claim(s) allowed: NONE.
- Claim(s) objected to: NONE.
- Claim(s) rejected: 1-11.
- Claim(s) withdrawn from consideration: _____.
9. ☐ The proposed drawing correction filed on _____ a) ☐ has b) ☐ has not been approved by the Examiner.
10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
11. ☐ Other: _____.

Attachment to Advisory Action

1. Applicants' arguments filed 3/21/01 have been fully considered but they are not persuasive. The After-final amendment filed 3/21/01 will be entered because it corrects the inaccurate summary of Nagao. Also, the After-final amendment will be entered because the correction does not affect the 35 USC 103 rejection set forth in the prior Office action mailed 1/17/01.

Applicants' arguments directed towards Nagao are moot because the 35 USC 103 rejection of the pending claims does not involve Nagao.

Applicants argue that Reid, Jr does not teach providing a buffer material in a recess to provide a bead of buffer material. Applicants are reminded that Reid, Jr was used to show that it is well-known in the automotive industry to use a mechanical bond as opposed to an adhesive tape to mate two materials. Applicants are also reminded that the instant invention addresses the problem of using adhesive tapes to mate two preforms by forming a recess in one of the preforms in which a bead of buffer material may be laid. Since the admitted prior art teaches the step of providing a buffer material to form bead of buffer material along a first trim part and Reid, Jr addresses the same problem that the instant invention addresses, the admitted prior art and Reid, Jr are analogous and combinable art. Applicants are also reminded that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicants argue that the "office action does not explain what elements it would have been obvious to combine from each reference, how those elements would be combined, or what the suggestion or incentive would have been to do so." The answers to these questions are clearly found in the Office action mailed 8/2/00. See section 2 of the Office action mailed 1/17/01 and the first paragraph of section 8 of the Office action mailed 8/2/00.

Applicants argue that Henzl teaches molding a layer of material and not providing buffer material in an existing recess in a trim part to provide a bead of buffer material on a mating surface of the trim part. Applicants are reminded that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Henzl teaches the advantage of using a mechanical bond, i.e., undercut grooving, as opposed to adhesives (prior art problem) to bond an elastomer to another type of plastic. Thus, the combination of the admitted prior art and Henzl teaches providing buffer material in an existing recess in a trim part to provide a bead of buffer material on a mating surface of the trim part. See section 2 of the Office action mailed 1/17/01 and the first paragraph of section 8 of the Office action mailed 8/2/00.

Applicants argue that the prior art of record does not address the limitation of claim 2. However, both Reid et al and Henzl clearly teach the use of a mechanical bond, i.e., undercut grooving, instead of adhesives (prior art problem). Applicants are reminded that one cannot show nonobviousness by attacking references individually

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where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

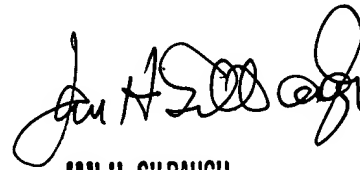
2. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Edmund Lee whose telephone number is (703)305-4019. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan H. Silbaugh, can be reached on (703)308-3829. The fax phone number for this Group is (703)305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)308-0661.

EHL

April 24, 2001


JAN H. SILBAUGH
SUPERVISORY PATENT EXAMINER
ART UNIT 1732
05/09/01